



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,569	01/18/2005	Hideo Sakata	1592-0152PUS1	4202

2292 7590 07/16/2007
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

VIZVARY, GERALD C

ART UNIT	PAPER NUMBER
----------	--------------

3609

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

07/16/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/521,569

Applicant(s)

SAKATA ET AL.

Examiner

Gerald C. Vizvary

Art Unit

3609

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/18/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Information Disclosure Statement

The IDS filed 1/18/2005 was considered by the examiner. The IDS filed 10/16/2006 was misfiled in this case and was not considered by the examiner.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The claimed invention is directed to non-statutory subject matter. In claims 1-9 the term "sections" is construed to mean software only. Computer programs per se are non-statutory under MPEP 2106.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1-5 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Tull (US 5,946,667).

As to claim 1, Tull shows a stock trading support apparatus to support stock trading, comprising:

Art Unit: 3609

a stock price analysis information creating section to create stock price analysis information by analyzing a stock price of each brand based on stock price information (Tull col. 3, lines 46-52);

a promising brand information creating section to create promising brand information by judging whether the each brand is in a good time to buy or sell based on the stock price analysis information created by the stock price analysis information creating section (Tull col. 4, lines 23-30);

and an output section to output stock information containing the stock price analysis information and the promising brand information (Tull col. 4, lines 61-66).

As to claim 2, The stock trading support apparatus as claimed in claim 1, which is connectable to a user terminal through a communication network, and further comprises a stock information transmitting section to transmit the stock information to the user terminal device (Tull col. 8, lines 40-44).

As to claim 3, Tull shows a stock trading support apparatus as claimed in claim 2, further comprising:

a receiving section to receive from the user terminal a search criterion for searching for promising brand information (col. 5, lines 59-63);

a promising brand information search section to search for promising brand information relevant to the search criterion received by the receiving section (col. 7, lines 1-3);

Art Unit: 3609

and a transmitting section to transmit to the user terminal the promising brand information retrieved by the promising brand information search section (col. 8, lines 44-46).

As to claim 4, Tull shows a stock trading support apparatus as claimed in claim 3, wherein the search criterion includes at least one of a stock type, a buy-timing or a sell-timing of a brand, a price bracket, a peak price zone or a bottom price zone of a stock price, a high price zone or a low price zone of a stock price, and a scale (col. 7, lines 15-26).

As to claim 5, Tull shows a stock trading support apparatus as claimed in claim 2, further comprising:

a registration section to register a search criterion for searching for promising brand information, which is transmitted from the user terminal (col. 7, lines 37-38);

a search section to periodically search whether there is promising brand information relevant to the search criterion registered by the registration section (col. 5, lines 59-63);

and a notifying section to notify, when promising brand information relevant to the search criterion is retrieved by the search section, the retrieved promising brand information to the user terminal (col. 7, lines 41-49).

Art Unit: 3609

As to claim 9, Tull shows a stock trading support system where a stock trading support apparatus to support stock trading is connected to a user terminal through a communication network, wherein the stock trading support apparatus comprises:

a stock price analysis information creating section to create stock price analysis information by analyzing a stock price of each brand based on stock price information (Tull col. 3, lines 46-52);

a promising brand information creating section to create promising brand information by judging whether the each brand is in a good time to buy or sell based on the stock price analysis information created by the stock price analysis information creating section (Tull col. 4, lines 23-30);

a receiving section to receive from the user terminal a search criterion for searching for promising brand information (col. 5, lines 59-63);

a promising brand information search section to search for promising brand information relevant to the search criterion received by the receiving section (col. 5, lines 59-63);

and a transmitting section to transmit to the user terminal the promising brand information retrieved by the promising brand information search section (col. 7, lines 41-49),

and the user terminal comprises:

an input section to input the search criterion (col. 5, lines 59-63);

a communication section to transmit, to the stock trading support apparatus, the search criterion inputted through the input section, and receives the promising brand information transmitted by the transmitting section (Tull col. 8, lines 40-44); and an output section to output the promising brand information received by the communication section (Tull col. 4, lines 61-66).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tull in view of Nison, Steve, Beyond Candlesticks: New Japanese Charting Techniques Revealed, John Wiley & Sons, New York, New York (1995)..

As to claim 6, Tull does not show an analysis by key-shaped tendency charts (Kagi charts).

Nison, Steve, Beyond Candlesticks: New Japanese Charting Techniques Revealed, John Wiley & Sons, New York, New York, 1995 teaches "The three line break kagi charts and renko charts are popular among Japanese traders."

Thus it would have been obvious to a person of ordinary skill in the art to modify Tull to include Kagi charts in this type of analysis, since they are taught by Nison to be excellent technical tools for determining the trend of the market. (Nison p. 10)

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tull in view of Morris, Gregory, Candlestick Charting Explained, McGraw-Hill, 1995.

As to claim 7, Tull does not show a candlestick-shaped tendency chart included in the apparatus further comprising:

a line-drawing section to draw a downward trend line based on the candlestick-shaped tendency chart of a brand judged to be in a good time to buy, among brands in the promising brand information created by the promising brand information creating section;

a judging section to judge whether the brand is in a buy-turn, based on the downward trend line drawn by the line-drawing section and on candlestick-shaped tendency chart data at the good time to buy the brand judged to be in the good time to buy;

and buy-turn information notifying section to notify the user terminal of a judgment result given by the judging section, as buy-turn information.

However, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention to incorporate candlestick-shaped tendency charts.

Morris teaches "Japanese candlestick charting and candle pattern analysis will help anyone who wishes to have another tool at their disposal: a tool that will help sort and control the constant disruptions and continuous outside influences to sound stock and futures analysis."

Art Unit: 3609

As to claim 8, Tull does not show inclusion of a candlestick-shaped tendency chart in a stock trading support apparatus price analysis information, the apparatus further comprising:

a line-drawing section to draw a upward trend line based on the candlestick-shaped tendency chart of a brand judged to be in a good time to sell, among brands in the promising brand information created by the promising brand information creating section; a judging section to judge whether the brand is in a sell-turn, based on the upward trend line drawn by the line-drawing section and on candlestick-shaped tendency chart data at the good time to sell the brand judged to be in the good time to sell;

and a sell-turn information notifying section to notify the user terminal of a judgment result given by the judging section, as sell-turn information.

However, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention to incorporate candlestick-shaped tendency charts.

Morris teaches "Japanese candlestick charting and candle pattern analysis will help anyone who wishes to have another tool at their disposal: a tool that will help sort and control the constant disruptions and continuous outside influences to sound stock and futures analysis."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 5,761,442 A Barr shows a data processing system and method for selecting securities and constructing an investment portfolio is based on a set of artificial neural networks which are designed to model and track the performance of each security in a given capital market and output a parameter which is related to the expected risk adjusted return for the security. Each artificial neural network is trained using a number of fundamental and price and volume history input parameters about the security and the underlying index. The system combines the expected return/appreciation potential data for each security via an optimization process to construct an investment portfolio, which satisfies predetermined aggregate statistics. The data processing system receives input from the capital market and periodically evaluates the performance of the investment portfolio, rebalancing it whenever necessary to correct performance degradations.

US 5,175,797 Funabashi shows method and apparatus of a learning type decision support system provided for improved acquisition of a priori knowledge from the system object and the expression of non-linear structures in the object. The system is comprised of a learning module and an executing module for outputting advice and process-manipulate command values to system users by receiving input data comprising on-line data and file data.

2003/0135445 A1 Herz shows a method of using natural language processing (NLP) techniques to extract information from online news feeds and then using the information so extracted to predict changes in stock prices or volatilities.

US 5,745,383 A Barber shows a method and apparatus for predicting whether a specified threshold is likely to be exceeded for a specified predictor based on preexisting information about related predictors and associated outcomes. The invention shows how to guess the outcome associated with another predictor vector in few computational steps and more accurately and is of great use in any situation where it is useful to be able to decide between two alternatives

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald C. Vizvary whose telephone number is 571-270-3268. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve McAllister can be reached on 571-272-6785. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


MATTHEW S. GART
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600